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EXAMINER

RAMAN, USHA

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/782,896

Applicant(s)

KIKINIS, DAN

Examiner

Usha Raman

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/20/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-11, 13-17, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosser (6,446,261).

In regards to claims 1 and 7, Rosser discloses the method for providing enhanced advertising of a 2-D video broadcast, where different / additional images, logos, messages, or advertisements can be seamlessly integrated into a video as if it were part of the original video. Note column 5, lines 25-33, and column 10, lines 36-51. The head end (master part) inserts the cues (indicia), program codes, triggers or other images in the video stream that tells the set top box (slave part) when to integrate the additional source into the video. Note column 7, lines 1-14, lines 34-51. The system therefore comprises the method steps of receiving the 2-D video broadcast from the head end, containing a 2-D video (advertisement) with having an image, "identifying" the image within the 2-D video, at the set to box, in order to facilitate the insertion of the additional logos, advertisements, an image or messages into the video. Rosser also discloses that the set top box can contain the additional source of advertisements (i.e. image library) to be integrated into the video. Note column 4, lines 55-60 and column 7, lines 55-58. Therefore, upon "identifying" the image in the 2-D video, the additional data is looked up in an image library at the set top box, and

the corresponding image and the video are warped in order to give a seamless rendering of the advertisement with the new image. Rosser further discloses that the set top boxes can support a variety of data types including VRML objects (i.e. 3-D objects). Note column 11, lines 40-61. Therefore, the system of Rosser also comprises the method of storing the VRML objects as one of the alternate advertisements to be integrated into the video, and retrieving that from the image library, and using the warping tools for seamlessly integrating the VRML object into the 2-D advertisement, thereby creating a 3-D highlighted rendering of the image.

In further regards to claims 13 and 19, Rosser's system embodies the methods disclosed in claim 1 in a computer readable medium (i.e. the set top box) having the necessary stored instructions in order to perform the recited steps.

In regards to claims 2, 8, 14, and 20, Rosser discloses that there are one or more images (indicia) within the 2-D advertisements.

In regards to claims 3, 9, 15, and 21, Rosser discloses that the advertisements can be stored locally, at the set top box. Note column 4, lines 55-60 and column 7, lines 55-58. Therefore, upon receiving the indicia, the appropriate advertisement is retrieved and inserted into the video. Such retrieval inherently requires a "look up table" for locating the VRML object stored locally in the set top box.

In regards to claims 4, 10, 16, and 22, Rosser discloses that the advertisement on a display device can comprise a television monitor, a computer monitor and such means.

In regards to claims 5, 11, and 17, Rosser teaches the method of warping images/text into the video, therefore also comprises the step of overlaying the additional data over the image in the 2-D advertisement. Note column 10, lines 31-40.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser (US Pat. 6,446,261).

In regards to claims 6, 12, and 18, Rosser does not teach the method of overlaying specular lighting and shading over the image.

Official notice is taken that it is well known to overlay specular lighting and shading on images to give them natural reflective and shading qualities, making them appear as a realistic 3-D image. As an example, Rosser et al. (US Pat. 5,264,933) further discloses adjusting color, and contrast ratios for giving the inserted image a realistic appearance, as if it were part of the original video. Note column 8, lines 48-column 9, line 24 in Rosser et al.

It would have been obvious to one of ordinary skill in the art to adjust the specular lighting and the shading of the image, in order to give it a more realistic, 3-D appearance.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosser et al. (US Pat. 5,264,933) discloses adjusting color, and contrast ratios for giving the inserted image a realistic appearance, as if it were part of the original video. Note column 8, lines 48-column 9, line 24 in Rosser et al.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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09-16-04



HAI TRAN  
PATENT EXAMINER